

BOSTON REDEVELOPMENT AUTHORITY

REPORT AND DECISION ON THE APPLICATION FOR AUTHORIZATION
AND APPROVAL OF A PROJECT UNDER CHAPTER 121A OF THE
GENERAL LAWS OF MASSACHUSETTS (TER.ED.), AS AMENDED
AND CHAPTER 652 OF THE ACTS OF 1960, AS AMENDED
AND FOR CONSENT TO THE FORMATION PURSUANT TO SAID
CHAPTER 121A OF AN URBAN REDEVELOPMENT LIMITED PARTNERSHIP
UNDER THE NAME OF THE
AUSONIA HOMES ASSOCIATES
FOR THE PURPOSE OF UNDERTAKING AND CARRYING OUT THE PROJECT

A. THE HEARING

A public hearing was held at 2:00 P.M., on June 16, 1976, in the offices of the Boston Redevelopment Authority, hereinafter called the "Authority", at the New City Hall, Room 921, Boston, Massachusetts, by the Authority on an Application, hereinafter called the "Application", filed by The Lidapell Corporation and Peabody Construction Company, the General Partners, hereinafter called the "Applicants", for authorization and approval of a redevelopment project under Chapter 121A of the General Laws of Massachusetts (Ter.Ed.), as amended, and Chapter 652 of the Acts of 1960, as amended, hereinafter called the "Project", and for consent to the formation of a Limited Partnership under the name of the Ausonia Homes Associates, for the purpose of undertaking and carrying out the Project, due notice of said hearing having been given previously by publication on May 31, 1976 and June 3, 1976, in the "Boston Herald American," a daily newspaper of general circulation published in Boston, and by mailing appropriate notices, postage prepaid, in accordance with the provisions of Rule 8 of the Rules and Regulations of the Authority for securing the approval of Chapter 121A Projects, hereinafter called the "Regulations," and Section 13 of Chapter 652 of the Acts of 1960, as amended.

Robert L. Farrell, Chairman of the Authority, and James G. Colbert, Joseph J. Walsh, James K. Flaherty and James E. Cofield, Jr., members of the Authority, were present throughout the hearing

B. THE PROJECT

A limited partnership which will exist pursuant to Chapter 121A of the General Laws of Massachusetts (Ter.Ed.), as amended, will operate the Project which is to be constructed on Parcel C-2-B in the Downtown-Waterfront-Faneuil Hall Urban Renewal Area, which parcel is to be conveyed to the applicants by the Authority. The larger portion of the Project was specifically excluded from the West End Land Assembly

and Redevelopment Project by paragraph A(a) of the Plan relating thereto. The Project will be financed by the Massachusetts Housing Finance Agency, hereinafter called the "MHFA," and subsidized by the federal government under the 236 program.

The Applicants will construct a five story building containing one hundred and fifty one (151) units of housing for the elderly. There will be ninety-eight (98) one-bedroom units and fifty-three (53) two-bedroom units. In addition, fifteen (15) of the proposed apartments will be designed for the handicapped. There also will be twenty-seven (27) enclosed parking spaces.

The proposed structure is fully shown on the Plans filed with the application and the design of the building is particularly sensitive to the surrounding area.

C. AUTHORITY ACTION

In passing on the Application, the Authority has considered the Application itself, all documents, plans and exhibits filed therewith or referred to therein, the oral evidence presented at the hearing, the exhibits offered in evidence at the hearing, the arguments and statements made at the hearing, and other documentation and evidence in the Authority's possession. The members of the Authority have also viewed the Project Area.

The Project as defined in the Application constitutes a "Project" within the meaning of Section 1 of Chapter 121A of the General Laws, providing, as it does for the construction, operation, and maintenance in blighted open, decadent, or substandard area of decent, safe and sanitary residential buildings and appurtenant facilities, as described above.

1. Project Area as a Decadent Area.

- (a) The parcel lies within an urban renewal area which is detrimental to the safety, health, morals, welfare and sound growth of the community because of the existence of buildings which are out of repair, physically deteriorated, unfit for human habitation and in need of major maintenance and repair and because of the diversity of ownership, it would have been improbable that the area would have been redeveloped by the ordinary operations of private enterprise.

- (b) The parcel is presently used for transient parking and is unpaved and unlighted and is an open blighted parcel.
- (c) There has been a substantial change in the business and economic conditions in the area as a result of the implementation of the Downtown Waterfront-Faneuil Hall Urban Renewal Plan.

2. Area Constitutes a Project.

The Project as described in the Application constitutes a "Project" within the meaning of said Chapter 121A since it provides for the construction on an open blighted parcel of an elderly housing project. Redevelopment of this Project Area will help to improve the area and to encourage the conservation and improvement of existing buildings adjacent to the Project Area.

3. Cost of Project.

The cost of the Project has been estimated accurately thereby the Project appears feasible. The cost of the Project will be approximately five million eight hundred thousand (\$5,800,000) dollars. The cost will be financed by the Massachusetts Housing Finance Agency by a mortgage loan in an amount equal to ninety (90) percent of the Project cost with the balance to be provided by the limited partnership. The Authority believes that the Redeveloper is well able financially to carry out the Project. The Authority requires as part of its approval that prior to completion of the construction of the Project that Ausonia Home Associates not dispose of its interest in the Project without first obtaining prior written approval from the Authority.

4. Consistency with Master Plan.

The Project does not conflict with the Master Plan of the City of Boston, for the locality in which the Project Area is situated.

5. Effect of the Project.

The Project will not be detrimental to the best interests of the public or the City or to the public safety or convenience or be inconsistent with the most suitable development of the City. The Project will constitute a public use and benefit. The structure to be constructed is attractive, efficiently designed with ample light and air and appurtenant spaces, and will enhance the general appearance of the area while furnishing attractive and needed living accommodations for the elderly. The location proposed is excellent because of its ready access to the commercial areas of the North End as well as the waterfront area.

The Project will involve a favorable environmental impact except for insignificant noise which may accompany construction.

The carrying out the Project will not in any way involve the displacement of any person from their present dwellings.

The Project Area does not include land within any location approved by the State Department of Public Works for the extension of the Massachusetts Turnpike. The carrying out of the Project will not require the erection, maintenance and use of a garage within 500 feet of one or more buildings occupied in whole or in part as a public or private school having more than fifty (50) pupils, or as a public or private hospital having more than twenty-five (25) beds, or as a church.

6. Minimum Standards.

The minimum standards for financing, construction, maintenance and management of the Project, all as set forth in Exhibit G, filed with and attached to the Application, are hereby adopted and imposed as rules and regulations applicable to this Project for the same period as the Project is subject to the provisions of said Chapter 121A and said Chapter 652.

In addition to the minimum standards set forth in Exhibit G, the Authority hereby requires that the Applicant prior to obtaining a building permit, 1) enter into a regulatory agreement with the Authority pursuant to the requirements of General Laws, Chapter 121A, Section 18c and containing such other terms and conditions as the Authority may in its discretion deem necessary and appropriate; 2) submit to the Authority for its review and approval such plans and specifications or the project that the Authority may require, and accept such changes and modifications thereto as the Authority may deem necessary or appropriate; and 3) adhere to such design review controls and requirements as the Authority may in its discretion impose.

Additionally, the Authority requires the Applicant, to the fullest extent permitted by applicable law, to give special emphasis and consideration to applications for tenancy from persons of the immediate area, where it has been established that there is a need for such housing.

7. Deviations.

The Application lists the deviations from the Boston Zoning Code and the State Building Code which are necessary to permit the construction of the project. For the reasons set forth in the

Application and supporting documents and in the evidence presented at the hearing and in this report, the Authority hereby finds that each and every one of the permissions hereinafter granted is reasonably necessary for the carrying out of the total project and may be granted without substantially derogating from the intent and purposes of the applicable laws, codes, ordinances, and regulations respectively; and the Authority is also satisfied by reliable and generally accepted tests, or by experience in other Cities that the other designs, construction, materials, apparatus, equipment or methods specified in the Application and supporting documents, including Exhibit E and in the evidence presented at the hearing, will sufficiently satisfy the purposes for which it or they are to be used and the purposes of the applicable laws, codes, ordinances, or regulations respectively.

BOSTON ZONING CODE.

The Project is located in an M-2 Zone District. Permission to deviate from the following provision of the Boston Zoning Code is hereby granted:

a) Section 23-1 Parking

The proposed project provides twenty seven parking spaces which is less than the number required by the Code. However, the Authority has determined that elderly housing complexes do not require substantial parking spaces. Because of the use and the location of the project, the number of spaces proposed is sufficient to serve the off-street parking requirements of the complex.

STATE BUILDING CODE

Permission to deviate from the following provisions of the State Building Code is hereby granted:

a) Section 1206.6 requires fire hoses of 1 1/2" diameter on each floor, but the Authority has determined that such hoses are in fact detrimental to the speedy evacuation of occupants in the event of a conflagration. Accordingly, the grant of a deviation is appropriate.

b) Sections 1811.1 and 1811.2 requires intake and exhaust openings for the garage to be at least twelve (12) feet above grade. The proposed openings will be at grade and not used to provide fresh air to corridors or apartments and will adequately serve the purposes of the pertinent sections and deviations are appropriate.

c) Sections 905.62 and 307.3 govern the adjusted allowable area for floors above the first level. Although floors 3, 4 and 5 are in excess of applicable limits, the design of the structure, including open spaces, is such that the areas are appropriate and necessary. The intent and purposes of these sections are adequately served and deviations are appropriate.

STATE PLUMBING CODE

Section 2.2.7 requires one (1) washer per ten (10) units. The proposed project provides eight (8) washers which the Authority has determined to be adequate to service an elderly housing project of this size. A deviation is, therefore, appropriate.

8. Environmental Considerations.

Conformably with the provisions of Section 62 of Chapter 30 of the General Laws (as inserted by Chapter 781 of the Acts of 1972), and the Regulations thereunder as adopted by the Authority on April 11, 1974, the Authority has made an environmental examination which contains, among others, the following findings:

- (a) The Project does not adversely affect any recreational areas or any aesthetic values in the surrounding area.
- (b) No natural or man-made places are affected by the Project.
- (c) The Project affect no archeological structure of site.
- (d) The Project does not affect the potential use, extraction, or conservation of a scarce natural resource.
- (e) The Project Area is urban, and therefore, does not serve as a habitat for wild life.
- (f) Being urban, the Project has ni impact on any wilderness areas.
- (g) The Project requires a deviation from the Zoning Code of the City of Boston, but not in such manner as will cause damage to the environment.
- (h) The Project does not require certification, authorization or issuance of a permit by any local, State or Federal environmental control agency.

(i) The Project does not involve the disposal of potentially hazardous materials.

(j) The Project does not involve the construction of facilities in a flood plain.

(K) The Project, except necessarily during the construction phase, does not result in the generation of a significant amount of noise.

(l) The Project does not result in a deleterious effect on the quality of any portion of the State's air or water resources.

(m) The Project does not adversely affect an area of important scenic value. The Project does affect an area with significant architectural attributes but is designed harmoniously with those attributes.

Therefore, the Authority concludes that the Project will not cause any environmental damage and, in its opinion, no further Reports need to be filed.

As a result of the investigation and Report of the Authority staff and of its own knowledge, the Authority hereby determines that the Project will not cause significant environmental damage.

9. Miscellaneous

The applicants have filed with the Authority an amended Exhibit I, which exhibit is the Certificate of Limited Partnership of Ausonia Homes Associates. The amended certificate does not constitute a fundamental change in the application and the amended certificate is accepted and approved by the Authority.

MEMORANDUM

SEPTEMBER 9, 1976

TO: BOSTON REDEVELOPMENT AUTHORITY

FROM: ROBERT T. KENNEY, DIRECTOR

SUBJECT: REPORT AND DECISION ON CHAPTER 121A APPLICATION OF
AUSONIA HOMES ASSOCIATES

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At a public hearing held by the Authority at 2:00 P.M. on June 16, 1976, on the captioned Application, the Board heard a presentation by the Applicants. The Project was strongly supported by community leaders at said public hearing and there was no opposition.

The 121A Application has been examined and found to contain evidence in support of the Project. The Applicants have also presented evidence at the hearing and subsequent thereto to permit the Authority to proceed with the adoption of the attached Report and Decision Approving the Project and Consenting to the Formation of the captioned Limited Partnership.

The proposal incorporates the construction of 1 five-story building containing 151 units of Section 236 elderly housing. The unit breakdown will be 98 one-bedroom units and 53 two-bedroom units. Ten one-bedroom apartments and five two-bedroom apartments will be especially equipped for the handicapped. It is anticipated that approximately 90% of the total financing cost of approximately \$5.8 million will be insured by the Federal Government and financed through the Massachusetts Housing Finance Agency.

At the public hearing, counsel for the applicants requested that Exhibit I of the application be amended to reflect a limited partnership consisting of the LiDaPell Corporation and Ausonia Homes Housing Corp. as general partner, each having a 2.5% partnership interest. The latter corporation is a wholly owned subsidiary of Peabody Construction Company, Inc. The amended exhibit also provides that the limited partners are The LiDaPell Corporation and Peabody Construction Company, Inc., each having a 45% partnership interest, and Ausonia Homes For The Elderly, Inc., having a 5% partnership interest. The latter corporation is a wholly owned subsidiary of Ausonia Home Association, Inc. The Chief General Counsel has reviewed the amended exhibit and he does not deem it to be fundamental. And it is recommended that the amended exhibit be incorporated into the Report and Decision.

It is therefore recommended that pursuant to Chapter 121A of the General Laws, the Authority adopt the Report and Decision Approving the Project and Consenting to the Formation of Ausonia Homes Associates.

An appropriate Vote follows:

VOTED: That the document presented at this meeting entitled: "REPORT AND DECISION ON THE APPLICATION FOR AUTHORIZATION AND APPROVAL OF A PROJECT UNDER CHAPTER 121A OF THE MASSACHUSETTS GENERAL LAWS (TER.ED.), AS AMENDED, AND CHAPTER 652 OF THE ACTS OF 1960, AS AMENDED, AND FOR CONSENT TO THE FORMATION PURSUANT TO SAID CHAPTER 121A OF AN URBAN REDEVELOPMENT LIMITED PARTNERSHIP UNDER THE NAME OF AUSONIA HOMES ASSOCIATES FOR THE PURPOSE OF UNDERTAKING AND CARRYING OUT THE PROJECT" be and hereby is approved and adopted.

